

AMENDED IN ASSEMBLY AUGUST 20, 2012

AMENDED IN ASSEMBLY AUGUST 6, 2012

AMENDED IN ASSEMBLY JUNE 27, 2012

AMENDED IN ASSEMBLY JUNE 21, 2012

AMENDED IN ASSEMBLY JULY 11, 2011

AMENDED IN ASSEMBLY JUNE 20, 2011

AMENDED IN SENATE MAY 31, 2011

AMENDED IN SENATE APRIL 26, 2011

## **SENATE BILL**

**No. 35**

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**Introduced by Senator Padilla**

December 6, 2010

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An act to add Chapter 6 (commencing with Section 2400) to Division 2 of the Elections Code, relating to voter registration.

### LEGISLATIVE COUNSEL'S DIGEST

SB 35, as amended, Padilla. Voter registration agencies.

Existing law, the federal National Voter Registration Act of 1993, requires each state to establish procedures to register voters by application in person at certain federal, state, or nongovernmental agencies designated by state law as voter registration agencies.

This bill would establish procedures to register voters in accordance with the act. ~~This bill would designate specified agencies and offices as voter registration agencies, and would require those voter registration agencies to perform specified tasks related to voter registration. This~~

bill would require the Secretary of State and county elections officials to coordinate with the voter registration agencies, as specified.

By requiring additional duties of county elections officials and local agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 6 (commencing with Section 2400) is  
2 added to Division 2 of the Elections Code, to read:

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4 CHAPTER 6. VOTER REGISTRATION AGENCIES

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6 2400. It is the intent of the Legislature, in enacting this chapter,  
7 to facilitate compliance with the requirements set forth in the  
8 federal National Voter Registration Act of 1993 (42 U.S.C. Sec.  
9 1973gg et seq.) relating to voter registration services.

10 2401. For purposes of this chapter, the following terms have  
11 the following meanings:

12 (a) "Voter preference form" means the form described in Section  
13 1973gg-5(a)(6)(B) of Title 42 of the United States Code.

14 (b) "Voter registration agency" means either of the following:

15 (1) A department, division, or office of state or local  
16 government, or a program supported by state funds, that is  
17 designated ~~under this chapter~~, by executive order of the Governor;  
18 or pursuant to the federal National Voter Registration Act of 1993  
19 (42 U.S.C. Sec. 1973gg et seq.) as a voter registration agency.

20 (2) A private entity under contract with a designated voter  
21 registration agency to provide services or assistance on behalf of  
22 the designated voter registration agency.

23 2402. (a) The Secretary of State is the chief state elections  
24 official responsible for coordination of the state's responsibilities

1 under the federal National Voter Registration Act of 1993 (42  
2 U.S.C. Sec. 1973gg et seq.).

3 (b) The Secretary of State shall adopt such regulations as are  
4 necessary to implement this chapter and the federal National Voter  
5 Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

6 ~~2403. (a) In addition to the agencies and offices designated as~~  
7 ~~voter registration agencies pursuant to Executive Order W-98-94,~~  
8 ~~issued August 12, 1994, and the federal National Voter Registration~~  
9 ~~Act of 1993 (42 U.S.C. Sec. 1973gg et seq.), each of the following~~  
10 ~~is hereby designated a voter registration agency:~~

11 ~~(1) California Department of Aging.~~

12 ~~(2) California Health Benefit Exchange.~~

13 ~~(3) Department of Veterans Affairs.~~

14 ~~(4) Employment Development Department.~~

15 ~~(5) Franchise Tax Board.~~

16 ~~(6) Office of AIDS.~~

17 ~~(7) State Board of Equalization.~~

18 ~~(8) State Emergency Food Assistance Program.~~

19 ~~(9) State Personnel Board.~~

20 ~~(10) Each office in the state that accepts applications and~~  
21 ~~administers benefits or services for any of the following programs:~~

22 ~~(A) Access for Infants and Mothers Program.~~

23 ~~(B) Community-based adult services provided pursuant to the~~  
24 ~~California Adult Day Health Care Act (Chapter 3.3 (commencing~~  
25 ~~with Section 1570) of Division 2 of the Health and Safety Code).~~

26 ~~(C) Health Insurance Counseling and Advocacy Program.~~

27 ~~(D) Multipurpose Senior Services Program.~~

28 ~~(11) Each high school, trade or vocational school, and campus~~  
29 ~~of the California Community Colleges and the California State~~  
30 ~~University.~~

31 ~~(b) The University of California is encouraged to comply with~~  
32 ~~the duties and responsibilities of a voter registration agency as set~~  
33 ~~forth in this chapter and the federal National Voter Registration~~  
34 ~~Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).~~

35 ~~2404.~~

36 ~~2403. (a) A voter registration agency shall comply with the~~  
37 ~~applicable duties and responsibilities of a voter registration agency~~  
38 ~~set forth in the federal National Voter Registration Act of 1993~~  
39 ~~(42 U.S.C. Sec. 1973gg et seq.).~~

(b) A voter registration agency, with each application for service or assistance and with each recertification, renewal, or change of address form relating to the service or assistance, and in accordance with the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.), shall provide to an applicant all of the following:

(1) A voter preference form.

(2) A voter registration card, unless the applicant, in writing, declines to register to vote.

(3) Assistance in completing the voter registration card, unless the applicant refuses the assistance.

(c) For purposes of subdivision (b), an applicant's failure to respond to the question of whether he or she would like to register to vote does not constitute a declination to register.

~~2405.~~

2404. (a) The Secretary of State shall do all of the following:

(1) Coordinate with each county elections official and voter registration agency to implement this chapter.

(2) Prepare written training materials that describe the responsibilities of a county elections official and voter registration agency pursuant to this chapter and the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

~~(3) Contact a voter registration agency if the agency fails to timely submit a report pursuant to Section 2408, or if a report indicates that the agency is not complying with the requirements of this chapter and the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).~~

(4) Coordinate with each state agency that evaluates the performance of an agency designated as a voter registration agency, including doing both of the following:

(A) Communicate to the state agency the requirements of, and best practices for complying with, this chapter and the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

(B) Assist the state agency in its effort to help a voter registration agency comply with the requirements of this chapter or the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

(b) The Secretary of State may do any of the following:

(1) Conduct a review of a voter registration agency's compliance with the requirements of this chapter or the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.) ~~if the agency fails to timely submit a report pursuant to Section 2408, or if a report indicates that the agency is not complying with the requirements of this chapter or the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).~~

(2) Conduct a review of a county elections official's compliance with the requirements of this chapter or the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.) if the county elections official fails to timely submit a report pursuant to ~~Section 2408~~ 2407, or if a report indicates that the county elections official is not complying with the requirements of this chapter or the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

(3) Post the results of a review conducted pursuant to this subdivision on the Secretary of State's Internet Web site.

~~2406.~~

2405. (a) A county elections official shall be responsible for coordinating with the Secretary of State and each applicable voter registration agency within the county to administer the voter registration services required pursuant to this chapter and the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

(b) The county elections official shall do all of the following:

(1) Provide voter registration cards to a voter registration agency upon request of the voter registration agency.

(2) Maintain a record of the number of voter registration cards provided to and received from each voter registration agency, and each office or site thereof.

(3) Assist a voter registration agency, upon request, in conducting a training program for its employees based on the training materials prepared by the Secretary of State on the requirements of this chapter and the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

~~2407.~~

2406. (a) A voter registration agency shall do all of the following:

1 (1) Notify the county elections official of each applicable county  
2 of the location of each of the voter registration agency's offices  
3 or sites within the county.

4 (2) Designate an agency employee to be responsible for the  
5 agency's compliance with this section.

6 (3) Request voter registration cards from the applicable county  
7 elections official, as needed.

8 (4) Take steps to ensure that the voter registration agency, and  
9 each office or site thereof, has a sufficient supply of voter  
10 preference forms and voter registration cards available, including  
11 voter preference forms and voter registration cards in all languages  
12 required by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section  
13 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights  
14 Act of 1965.

15 (5) Ensure that each employee of the voter registration agency  
16 who may provide voter registration services completes, at least  
17 once per year, a training based on the training materials prepared  
18 by the Secretary of State on the requirements of this chapter and  
19 the federal National Voter Registration Act of 1993 (42 U.S.C.  
20 Sec. 1973gg et seq.). The voter registration agency may incorporate  
21 this training into any other training program provided by the voter  
22 registration agency for its employees.

23 (b) A voter registration agency may conduct a review of the  
24 agency, or an office or site of the agency, as necessary, to ensure  
25 compliance with this chapter and the federal National Voter  
26 Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

27 ~~2408.~~

28 ~~2407. (a) Within 10 days after the beginning of each calendar~~  
29 ~~month, a county elections official shall report to the Secretary of~~  
30 ~~State, on a form prescribed by the Secretary of State, all of the~~  
31 ~~following information for the preceding month:~~

32 ~~(1) The number of voter registration cards sent to each voter~~  
33 ~~registration agency and to each office or site thereof.~~

34 ~~(2) The the number of voter registration cards received from~~  
35 ~~each voter registration agency and from each office or site thereof.~~

36 ~~(b) The thereof. The Secretary of State shall post the information~~  
37 ~~contained in each report received from a county elections official~~  
38 ~~on the Secretary of State's Internet Web site.~~

2409.

2408. (a) A voter registration agency that allows a person to apply online for service or assistance, or to submit a recertification, renewal, or change of address form relating to the service or assistance online, shall implement a process and infrastructure that allows an applicant to electronically submit a voter preference form to the voter registration agency, and to submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State in accordance with Chapter 2.5 (commencing with Section 2196).

(b) If a person indicates on his or her electronic voter preference form that he or she would like to register to vote, the person shall be informed that he or she may register to vote through one of the following options, if applicable:

(1) Submit an affidavit of voter registration electronically on the Secretary of State's Internet Web site pursuant to subdivision (a) of Section 2196.

(2) Complete an affidavit of voter registration electronically on the Secretary of State's Internet Web site, print a hard copy of the completed affidavit, and mail or deliver the hard copy of the completed affidavit to the Secretary of State or the appropriate county elections official pursuant to subdivision (d) of Section 2196.

~~(3) Obtain a voter registration card on a county's Internet Web site and print, complete, sign, and return the card to the county elections official pursuant to subdivision (d) of Section 2158.~~

(c) A voter registration agency may take steps to ensure that the information entered into a person's electronic application for service or assistance, or his or her electronic recertification, renewal, or change of address form relating to the service or assistance, will be automatically transferred to the electronic affidavit of voter registration if the person indicates that he or she would like to register to vote.

*(d) No later than July 1, 2014, the California Health Benefit Exchange, and each office or site thereof, shall comply with the online voter registration requirements of a voter registration agency set forth in subdivisions (a), (b), and (c).*

(d) The Secretary of State shall take steps to ensure that the electronic affidavit of voter registration is available, and may be electronically submitted and verified, in all languages in which a

1 county is required to provide voting materials pursuant to Section  
2 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec.  
3 1973b(f)(4)) of the federal Voting Rights Act of 1965.

4 SEC. 2. If the Commission on State Mandates determines that  
5 this act contains costs mandated by the state, reimbursement to  
6 local agencies and school districts for those costs shall be made  
7 pursuant to Part 7 (commencing with Section 17500) of Division  
8 4 of Title 2 of the Government Code.